

MOTION BY CHAIR HILDA L. SOLIS
AND SUPERVISOR SHEILA KUEHL

AGN. NO. _____
May 31, 2016

Assembly Bill 45

On March 19, 2015, Assembly Bill 45 (AB 45) was first introduced by Assemblymember Kevin Mullin. This piece of legislation has been amended several times and passed out of the Assembly on January 27, 2016. The bill is currently pending in the Senate Environmental Quality Committee.

As amended January 21, 2016, AB 45 would require CalRecycle to adopt one or more model ordinances for comprehensive household hazardous waste (HHW) programs and authorize local jurisdictions to adopt one of the model ordinances. The bill would also revise the definition of HHW to include pharmaceutical waste and home-generated sharps-waste, which would create a significant burden on local governments by making them responsible for managing these wastes—an unfunded mandate on the County and all 88 cities within the County.

Jurisdictions have historically been authorized to develop and implement HHW collection, recycling, and educational programs which reflect local conditions. AB 45 would create a one-size-fits-all approach which may not reflect local conditions while undermining efforts to reduce HHW generation.

Redefining HHW to include pharmaceutical waste is problematic since HHW is prohibited from being disposed with trash or recyclables and jurisdictions do not have the resources to prevent pharmaceutical waste from entering the waste stream. AB 45 would discourage and undermine efforts by local governments to implement extended producer responsibility (EPR) programs for uniquely problematic wastes, such as HHW, pharmaceutical waste, and sharps waste.

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Further, the bill does not provide a source of funding to sustainably collect and process waste, and limits the industry's role in managing HHW to outreach only, which is contrary to the Board's support for EPR policies that place shared responsibility for end-of-life product management on all entities involved in a product chain, including producers.

Many jurisdictions in California have adopted pharmaceutical take-back ordinances, including the counties of Alameda, San Mateo, San Francisco, and Santa Clara. This Board is also considering the adoption of a pharmaceutical and sharps waste EPR ordinance, in which manufacturers would provide safe, convenient and sustainably financed take-back programs for their products at the end of their useful life.

For these reasons, the County of Los Angeles has opposed AB 45 and many local governments, law enforcement agencies and nonprofits have opposed the bill as well. Unfortunately, despite continued amendments, the bill's in its current form does not address our concerns.

WE, THEREFORE, MOVE THAT THE BOARD OF SUPERVISORS:

1. Send a 5-signature letter to the author which conveys the County's opposition for the bill as currently drafted;
2. Respectfully request that the Los Angeles County legislative delegation oppose AB 45 as currently drafted; and
3. Direct our County legislative advocates in Sacramento to continue monitoring AB 45, to encourage an EPR approach and respect for local authority, and to oppose the bill to the extent it is contrary to these existing County policies.

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